

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAFAEL DROZ	:	CIVIL ACTION
Petitioner,	:	
	:	
vs.	:	NO. 05-2086
FRANKLIN J. TENNIS, THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
PHILADELPHIA and THE ATTORNEY	:	
GENERAL OF THE STATE OF	:	
PENNSYLVANIA	:	
Respondents.	:	

ORDER

AND NOW, this 10th day of May, 2006, upon consideration of the Petition for Writ of Habeas Corpus filed by petitioner, Rafael Droz, pursuant to 28 U.S.C. § 2254, and the record in this case, and after review of the Report and Recommendation of United States Magistrate Judge Diane M. Welsh dated September 29, 2005,¹ Petitioner's Objection[s] to Report and Recommendation, and Response to Petitioner's Objections to Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Diane M. Welsh dated September 29, 2005, is **APPROVED** and **ADOPTED**;²
2. Petitioner's Objection[s] to the Report and Recommendation are **OVERRULED**;
3. The Petition for Writ of Habeas Corpus filed by petitioner, Rafael Droz, pursuant to 28 U.S.C. § 2254 is **DISMISSED**; and,

¹United States Magistrate Judge Diane M. Welsh retired from the Federal Bench on October 1, 2005.

²The Court notes that the citation to the Supreme Court decision in *Pace v. DiGuglielmo* at page 4 of the Report and Recommendation should be corrected to read "544 U.S. 408 (2005)."

4. A certificate of appealability will not issue on the ground that petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C.

§ 2253(c)(2). .

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.